

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

KELLI SMITH, individually and on behalf  
of a class of similarly situated female  
employees,

Plaintiffs,

v.

MERCK & CO., INC., et al.,

Defendants.

Civil Action No. 13-2970 (MAS) (LHG)

**ORDER**

This matter comes before the Court upon Plaintiffs Kelli Smith, Kandice Bross, Rachel Mountis, and Kate Whitmer's (collectively, "Plaintiffs") Motion for Preliminary Approval of Class Action Settlement on behalf of themselves and others similarly situated. (ECF No. 420.) Defendants Merck & Co., Inc., Merck Sharp & Dohme, Corp., and Intervet, Inc. (collectively, "Defendants") did not oppose the Motion. The Court has carefully considered Plaintiffs' submissions and decides the matter without oral argument pursuant to Local Civil Rule 78.1. For the reasons set forth in the accompanying Memorandum Opinion, and other good cause shown,

**IT IS** on this 17<sup>th</sup> day of July 2019, **ORDERED** that:

1. The following class of plaintiffs ("Settlement Class") is provisionally certified for settlement purposes only:

All female employees who are or were employed by Merck Sharp & Dohme Corp. or Intervet, Inc., or any of their affiliates, parents, subsidiaries, predecessors, successors, or assigns, and assigned to a M05, M06, M07, M08, M09, S1 and/or S2 Sales Representative position in the United States for at least one day between December 8, 2010 and October 1, 2018.

2. For settlement purposes only, the Court certifies the EPA collective action.
3. The class action settlement agreement (ECF No. 422-1) is **PRELIMINARILY APPROVED**.
4. The Court approves the method of notice and plan of distribution (ECF No. 422-3), which is to be provided to the Settlement Class.
5. For settlement purposes only, the Court appoints David W. Sanford of Sanford Heisler Sharp, LLP and Feinstein Doyle Payne & Kravec, LLC to represent the Class and Collective for settlement purposes.
6. The Court appoints RG2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9473 as Claims Administrator. The Claims Administrator shall perform the duties set forth in the settlement agreement. (ECF No. 422-1.)
7. The Court schedules a Final Approval Hearing to take place on December 3, 2019 at 11:00 a.m. in the courtroom of the Undersigned at the United States District Court for the District of New Jersey, Courtroom 5W, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608.
8. As of the date hereof, all proceedings in this case are stayed until further order of this Court, except as may be necessary to implement the settlement agreement.
9. The Court **GRANTS** Plaintiffs' Motion to Substitute Exhibit. (ECF No. 426.)
10. The Court **DENIES AS MOOT** Plaintiffs' Motion for a Status Conference. (ECF No. 429.)

  
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**MICHAEL A. SHIPP**  
**UNITED STATES DISTRICT JUDGE**